

# DRAFT

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

## AIR QUALITY PERMIT

**Permittee Name:** Pittsburg Tank & Tower Co., Inc.  
**Mailing Address:** Lots 5 & 6 of Henderson Corporate Industrial Park,  
Commonwealth Drive, Henderson, Kentucky 42420

**Source Name:** Pittsburg Tank & Tower Co., Inc.  
**Mailing Address:** Lots 5 & 6 of Henderson Corporate Industrial Park,  
Commonwealth Drive, Henderson, Kentucky 42420

**Source Location:** Same as above

**Permit Type:** Federally-Enforceable  
**Review Type:** Conditional Major

**Permit Number:** F-00-019  
**Log Number:** G736  
**Application  
Complete Date:** August 14, 2000

**KYEIS ID #:** 21-101-00132  
**SIC Code:** 3490

**Region:** Owensboro-Henderson (Kentucky) Interstate  
**County:** Henderson

**Issuance Date:**  
**Expiration Date:**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be complete on August 14, 2000, the Kentucky Division for Air Quality hereby authorizes the construction/operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**EP01** This emission point is for Blasting of steel water tank sections.

EP01 is used to remove welding slag and surface rust from steel tank sections.

EP01 consists of a 30 ft. long by 14 ft. wide by 12 ft. high building equipped with a floor reclaim system, a dust collector, and equipment for abrasive blasting.

The building has baffled air inlets and air flow is in an end-to-end pattern.

Abrasive blasting equipment includes two ½" Venturi blasting nozzles (each designed to deliver 5,880 lbs of abrasive/hr), steel grit abrasive, an air compressor, a 50 ft<sup>3</sup> abrasive storage hopper that is fed continuously by an elevator, and two 6 ft<sup>3</sup> blastpots.

The dust collector is a 8,900 cfm cartridge pulse jet dust collection system with an assumed particulate matter control efficiency of 99.999%.

The dust collector has 16 filters (each with a filter area of 250 ft<sup>2</sup>).

Construction commenced: projected for August of 2000.

### **APPLICABLE REGULATIONS:**

Regulation **401 KAR 59:010**, New process operations applicable to each affected facility associated with a process operation which is not subject to another emission standard with respect to particulates in Chapter 59 of 401 KAR commenced on or after July 2, 1975.

### **Operating Limitations:**

#### **401 KAR 59:010**

The following are required to verify and facilitate compliance with Emission Limitations #1 and #2.

1. Building doors shall be shut during blasting.
2. The dust control system shall be operated during blasting.
3. The dust control system shall be maintained in accordance with manufacturer's recommendations.
4. Pressure drop in the dust control device during blasting shall be in the range recommended by the manufacturer.

### **Emission Limitations:**

#### **401 KAR 59:010**

1. Section 3(1) limits visible emissions to less than 20% opacity.
2. Section 3(2) limits emissions of particulate matter from each stack or vent to a maximum of 2.34 lbs/hr if the process weight rate for the emission units vented through the stack or vent is 1,000 lbs/hr or less. If the process weight rate for the emission units is above 1,000 lbs/hr, Section 3(2) limits emissions of particulate matter from the units to a maximum that can be determined (in lbs/hr) by taking the process weight rate for the units (in tons/hr), raising the process weight rate value to the 0.62 power, and multiplying by 3.59 (maximum =  $3.59 \times \text{process weight rate}^{0.62}$ ).

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Limitations (Continued):**

#### **Compliance Demonstration Method:**

Compliance with the above emission limitations may be assumed given compliance with Operating Limitations #1 - #4 unless the cabinet requires testing in accordance with 40 CFR 60 Appendix A, Methods 9 and 5, respectively.

### **Testing Requirements:**

None except that testing shall be conducted at such times as may be required by the cabinet in accordance with Regulations 401 KAR 59:005 Section 2(2) and 401 KAR 50:045 Section 4.

### **Monitoring Requirements:**

#### **401 KAR 59:010**

The following is required as part of compliance demonstration for Emission Limitations #1 and #2.

1. Pressure change readings for the dust collection system shall be made at least once per shift when blasting is being done for the purpose of verifying compliance with Operating Limitation #4.

### **Specific Record Keeping Requirements:**

#### **401 KAR 59:010**

The following is required as part of compliance demonstration for Emission Limitations #1 and #2.

1. Pressure change readings for the dust collection system shall be recorded when read.
2. All maintenance that is required for compliance demonstration of Operating Limitation #3 shall be recorded and include date and time.
3. All deviations from Operating Limitations #1 and #2 shall be recorded and include date and time.

### **Specific Reporting Requirements:**

As part of compliance demonstration for Emission Limitations #1 and #2, reporting requirement 5 in Section F shall be modified to require only a summary of operating pressure measurements during the period for the dust collection system (maximum and minimum), the manufacturer's recommended operating pressure range for dust collection system, any filter replacements during the period, and any other deviations from permit requirements for this emission point during the period. This shall be done every 6 months and certified by a responsible official as specified in Section F requirement 5. See reporting requirements 6, 7, and 8 from Section F for additional reporting requirements.

### **Specific Control Equipment Operating Conditions:**

See Operating Limitations above.

### **Alternate Operating Scenarios:**

N/A

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**EP02** This emission point is a Paint Booth.

EP02 is a spray booth. The booth is 100 ft long by 90 ft wide by 23 ft high and an exhaust pit system with 4 troughs. Each trough is 3 ft wide by 80 ft long and utilizes roll type filter media. The booth utilizes an airless spray gun or equivalent with a rated capacity of 12.5 gal/hr.

The booth has a design air flow rate of 4 x 37,500 cfm.

The polyester diffusion media filters have been assumed to capture 99.99% of the particulate emissions (based on manufacturer testing of the media).

Transfer efficiency has been assumed to be 75%.

Construction commenced: projected for August of 2000.

### **APPLICABLE REGULATIONS:**

Regulation **401 KAR 59:010**, New process operations applicable to each affected facility associated with a process operation which is not subject to another emission standard with respect to particulates in Chapter 59 of 401 KAR commenced on or after July 2, 1975.

### **Operating Limitations:**

#### **401 KAR 59:010**

The following limits shall apply to assure compliance with Emission Limitations #1 and #2.

1. Building doors shall be shut during painting.
2. The exhaust pit filtering device shall be operated during painting.
3. The booth shall be operated and maintained in accordance with the manufacturer's recommendations unless otherwise allowed in this permit.
4. At all times when painting, all filters shall be in place and shall be replaced when determined to be inefficient (as determined through visual inspection).

#### **Conditional Major Limit on VOC and HAPs**

See Section D.

### **Emission Limitations:**

#### **401 KAR 59:010**

1. Section 3(1) limits visible emissions to less than 20% opacity.
2. Section 3(2) limits emissions of particulate matter to a maximum of 2.34 lbs/hr.

#### **Compliance Demonstration Method:**

If deemed necessary, the Cabinet shall require testing in accordance with 40 CFR 60 Appendix A, Methods 9 and 5, respectively.

Given the description provided for this emission point, compliance with Operating Limitations #1 - #4 demonstrates compliance with the above emission limitations unless testing is required.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Limitations (Continued):**

#### **Conditional Major Limit on VOC and HAPs**

See Section D.

### **Testing Requirements:**

None except that testing shall be conducted at such times as may be required by the cabinet in accordance with Regulations 401 KAR 59:005 Section 2(2) and 401 KAR 50:045 Section 4.

### **Monitoring Requirements:**

#### **401 KAR 59:010**

The following is required as part of compliance demonstration for Emission Limitations #1 and #2.

1. Operating Limitation #4 shall be monitored daily before the unit is operated (on days when painting is performed).

### **Specific Record Keeping Requirements:**

#### **401 KAR 59:010**

The following is required as part of compliance demonstration for Emission Limitations #1 and #2.

1. Date and results of filter inspections shall be recorded when monitored.
2. All maintenance necessary to demonstrate compliance with Operating Limitation #3 shall be recorded and include date and time.

#### **Conditional Major Limit on VOC and HAPs**

See Section D.

### **Specific Reporting Requirements:**

As part of compliance demonstration for Emission Limitations #1 and #2, reporting requirement 5 in Section F shall be modified to require only a summary of filter replacement, maintenance, and deviations from permit requirements. This shall be done every 6 months and certified by a responsible official as specified in Section F requirement 5. See reporting requirements 6, 7, and 8 from Section F for additional reporting requirements.

#### **Conditional Major Limit on VOC and HAPs**

See Section D.

### **Specific Control Equipment Operating Conditions:**

See Operating Limitations above.

### **Alternate Operating Scenarios:**

N/A

## SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Cutting and Welding Activities	401 KAR 59:010



**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

**Conditional Major Limits** have voluntarily been accepted to avoid major source status. Exceedance of the major source emission level, as defined in 401 KAR 50:035 will trigger additional requirements.

**Emission Limitations:****Plantwide VOC conditional major limitation**

1. For any 12 consecutive month period, plantwide VOC emissions shall be less than or equal to 90 tons as demonstrated on a monthly basis.

**Plantwide individual HAP conditional major limitation**

2. For any 12 consecutive month period, plantwide individual HAP emissions shall be less than or equal to 9.0 tons as demonstrated on a monthly basis.

**Plantwide combined HAPs conditional major limitation**

3. For any 12 consecutive month period, plantwide combined HAPs emissions shall be less than or equal to 22.5 tons as demonstrated on a monthly basis.

**Compliance Demonstration Method:**

Compliance can be demonstrated through mass balances.

For **VOC**

$$\text{VOC emitted (lbs)} = S [\text{VOC from coatings used}] + S [\text{VOC from clean-up solvents used}] \\ - S [\text{VOC in solvents recovered}]$$

Substitution into the VOC equation will result in the following equation.

$$\begin{aligned} \text{VOC emitted (lbs)} &= \text{lbs of VOC utilized in painting} \\ &\quad \times (1 - \text{VOC control efficiency for the painting}) \\ &+ (\text{lbs of VOC utilized in cleanup} - \text{lbs of VOC recovered after use}) \\ &\quad \times (1 - \text{VOC control efficiency for the clean-up}) \end{aligned}$$

Absent test results, the following shall be used in the above mass balance.

VOC control efficiency for the painting	=	0.00%, unless modified
VOC control efficiency for the clean-up	=	0.00%, unless modified
Lbs of VOC recovered after use	=	VOC disposed of as waste and documented (VOC content can be assumed to be equal to the unused content unless taking credit for paint recovery. Testing will be required for any paint recovery VOC credit.)

**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)****Emission Limitations (Continued):****Compliance Demonstration Method (Continued):**For an **individual HAP**

$$\begin{aligned} \text{Individual HAP emitted (lbs)} &= S [\text{Individual HAP from coatings used}] \\ &+ S [\text{Individual HAP from clean-up solvents used}] \\ &- S [\text{Individual HAP from solvents recovered}] \end{aligned}$$

Substitution into the individual HAP equation will result in the following equation.

$$\begin{aligned} \text{Individual HAP emitted (lbs)} &= \text{lbs of individual HAP utilized in painting} \\ &\quad \times (1 - \text{VOC control efficiency for the painting}) \\ &+ (\text{lbs of individual HAP utilized in cleanup} - \text{lbs of individual HAP recovered after use}) \\ &\quad \times (1 - \text{VOC control efficiency for the clean-up}) \end{aligned}$$

Again, absent test results, the following shall be used in the above mass balance.

VOC control efficiency for the painting	=	0.00%, unless modified
VOC control efficiency for the clean-up	=	0.00%, unless modified
Lbs of individual HAP recovered after use	=	Individual HAP disposed of as waste and documented (Individual HAP content can be assumed to be equal to the unused content unless taking credit for paint recovery. Testing will be required for any paint recovery individual HAP credit.)

For **combined HAPs**

$$\text{Combined HAPs emitted (lbs)} = S [\text{lbs of individual HAP emitted}]$$

**Operating Limitations:**

The following is required to make the above emission limits enforceable as a practical matter and compliance with these limits demonstrates compliance with the Emission Limitations in this Section.

**Plantwide VOC conditional major limitation**

1. Raw material use shall be such that VOC emitted, calculated using the above compliance demonstration method for VOC under Emission Limitations in Section D, from the source during any 12 consecutive month period is **< or = to** 180,000 lbs (demonstrated monthly).

**Plantwide individual HAP conditional major limitation**

2. Raw material use shall be such that individual HAPs emitted, calculated using the above compliance demonstration method for individual HAP under Emission Limitations in Section D, from the source during any 12 consecutive month period is **< or = to** 18,000 lbs (demonstrated monthly).

**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)****Operating Limitations (Continued):****Plantwide combined HAPs conditional major limitation**

3. Raw material use shall be such that combined HAPs emitted, calculated using the above compliance demonstration method for combined HAPs under Emission Limitations in Section D, from the source during any 12 consecutive month period is **< or = to 45,000 lbs** (demonstrated monthly).

**Testing Requirements:**

N/A

**Specific Record Keeping Requirements:**

**Conditional major limitations** require the following to be recorded monthly.

1. Lbs or gallons of each painting material used.
2. Lbs or gallons of each clean-up solvent used.
3. The VOC percentage (by weight) or the VOC content (in lbs/gal), as appropriate for demonstrating compliance, of each paint and clean-up solvent.
4. The individual HAP percentage (by weight) or the individual HAP content (in lbs/gal), as appropriate for demonstrating compliance, of each paint and clean-up solvent.
5. The amount of VOC emitted each month calculated using the compliance demonstration method for VOC under Emission Limitations in Section D.
6. The amount of individual HAP emitted each month calculated using the compliance demonstration method for individual HAP under Emission Limitations in Section D.
7. The amount of combined HAPs emitted each month calculated using the compliance demonstration method for combined HAPs under Emission Limitations in Section D.
8. The total VOC emitted for each 12 consecutive month period.
9. The total individual HAP emitted for each 12 consecutive month period.
10. The total combined HAPs emitted for each 12 consecutive month period.

**Specific Reporting Requirements:**

**Conditional major limitations** require the following to be reported semi-annually. These reports shall be certified by a responsible official, and delivered by electronic media (such as fax or e-mail) or postmarked to the Division's Owensboro Regional Office within thirty days following the end of each semi-annual period. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. These reports may also be delivered by courier as long as the reports are stamped received as indicated above. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate, and complete.

1. Any deviations from requirements in this section shall be reported.
2. The VOC emission calculation for each month in the semi-annual period shall be reported.

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)**

### **Specific Reporting Requirements (Continued):**

#### **Conditional major limitations**

- 3.** The individual HAP emission calculation for each month in the semi-annual period shall be reported.
- 4.** The combined HAPs emission calculation for each month in the semi-annual period shall be reported.
- 5.** The total VOC emission for each 12 month period ending in the semi-annual period shall be reported.
- 6.** The total individual HAP emission for each 12 month period ending in the semi-annual period shall be reported.
- 7.** The total combined HAPs emission for each 12 month period ending in the semi-annual period shall be reported.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    - i. During normal office hours, and
    - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Reports of any monitoring required by this permit shall be submitted to the division's Owensboro Regional Office at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

The reports are due within 30 days after the end of each six-month reporting period that commences on the initial issuance date of this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to Section 6(1) of 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

6. a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Owensboro Regional Office concerning startups, shutdowns, or malfunctions as follows:
1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F Item 6a. above) to the Division for Air Quality's Owensboro Regional Office within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F Item 5.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Owensboro Regional Office in accordance with the following requirements:
- Identification of each term or condition of the permit that is the basis of the certification;
  - The compliance status regarding each term or condition of the permit;
  - Whether compliance was continuous or intermittent; and
  - The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality  
Owensboro Regional Office  
3032 Alvey Park Drive W  
Owensboro, KY 42303**

**Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601**

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.



## SECTION G - GENERAL CONDITIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

## SECTION G - GENERAL CONDITIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.

**SECTION G - GENERAL CONDITIONS (CONTINUED)****(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12]

**(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

**(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements**

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction, and within fifteen (15) days following start-up, and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Owensboro Regional Office in writing, with a copy to the division's Frankfort Central Office, notification of the following:
  - a. The date when construction commenced.
  - b. The date of start-up of the affected facilities listed in this permit.
  - c. The date when the maximum production rate specified in the permit application was achieved.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

3. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or if construction is not completed within eighteen (18) months of the scheduled completion date, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the division upon a satisfactory request showing that an extension is justified.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with Regulation 401 KAR 50:055, General compliance requirements.

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.

## SECTION G - GENERAL CONDITIONS (CONTINUED)

2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

**RMP Reporting Center**

**P.O. Box 3346**

**Merrifield, VA, 22116-3346**

2. If requested, submit additional relevant information by the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

N/A

## SECTION I - COMPLIANCE SCHEDULE

N/A